

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

J. MICHAEL LANDSCAPING, INC.,
Defendant

and

BARLETTA ENGINEERING CORPORATION;
MODERN CONTINENTAL CONSTRUCTION CO.,
INC.; and PEABODY CONSTRUCTION COMPANY,
INC.,

Reach-and-Apply Defendants

C.A. No. 05-11624 RWZ

AFFIDAVIT OF ANNE R. SILLS

1. My name is Anne R. Sills. I am a partner with the law firm of Segal, Roitman & Coleman.
2. This firm has been involved in efforts to collect contributions owed the Massachusetts Laborers' Benefit Funds by J. Michael Landscaping, Inc. ("J. Michael") since on or about June 1, 2005. Since that date, we have incurred legal fees of \$2,860.00 and costs of \$371.54.

3. A review of J. Michael's assets uncovered the following motor vehicles which are, upon information and belief, owned by J. Michael and used solely for business purposes: (a) 1997 Chevrolet Truck 3500 Base Model (MA # J46750); (b) 1994 Dodge B250 Ram Van Base Model (MA # J12237); (c) 1995 Ford F350 XL (MA # J15255); (d) 2000 Chevrolet C/K2500 Silverado Base Model (MA # H57564); (e) 1997 GMC C3500HD SL/SLE/SIERRA (MA # H52180; and (f) 1998 Chevrolet 3500 Base Model (MA # G72906).

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 7th DAY OF DECEMBER, 2005.

/s/ Anne R. Sills
Anne R. Sills, Esquire

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Affidavit has been served by first class mail upon defendant, J. Michael Landscaping, Inc. by its attorney, Paul Hogan, Esquire at Hogan & Associates, 63 Chatham Street, Boston, MA 02109 and reach-and-apply defendants, Barletta Engineering Corporation at 40 Shawmut Road, Suite #200, Canton, MA 02021, Modern Continental Construction Co., Inc. at 600 Memorial Drive, Cambridge, MA 02139, and Peabody Construction Company, Inc. at 536 Granite Street, Braintree, MA 02184 this 7th day of December, 2005.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire